

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTEE:	Clancy	ASSIGNEE:	Sash Controls, Inc.
SERIAL NO.:	08/786,667	PATENT NO.:	5,820,170
FILING DATE:	January 21, 1997	ISSUE DATE:	October 13, 1998
TITLE:	Multi-Point Sliding Door Latch		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.182 TO REMOVE FROM THE FILE
WRAPPER DOCUMENTS UNINTENTIONALLY SENT TO PATENT OFFICE**

Assignee respectfully petitions the Director to accept the following Petition Under 37 C.F.R. § 1.182 to Remove From File Wrapper Documents Unintentionally Sent to Patent Office. Assignee believes this Petition is appropriately submitted and grantable under 37 C.F.R. § 1.182, since no other regulations of the U.S. Patent Office appear to be appropriate for this filing. Assignee respectfully requests consideration of this Petition and removal of the unintentionally-submitted documents from the file wrapper.

On August 10, 2009, Assignee's undersigned representative prepared a facsimile from Attorney Douglas J. Kline, at Goodwin Procter LLP, to Mr. James Stapleton at Fasco Die Cast Inc., regarding the above-identified patent. A copy of the letter signed by Mr. Kline, as well as the facsimile cover sheet, is attached as Exhibit A. Both the letter and the facsimile cover sheet clearly identify Mr. Stapleton at Fasco Die Cast, as the intended recipient of the correspondence. However, due to a clerical error, the central fax number for the U.S. Patent Office was listed on the cover sheet. The facsimile was then inadvertently sent to the U.S. Patent Office.

Petition Under 37 C.F.R. § 1.182 to Remove From the File Wrapper
Documents Unintentionally Sent to Patent Office

Thereafter, Mr. Kline received an Auto-Reply Facsimile Transmission from the U.S. Patent Office, attached hereto as Exhibit B. Assignee's undersigned representative immediately determined that the facsimile to Mr. Stapleton was sent inadvertently to the U.S. Patent Office. Assignee's representative immediately called the U.S. Patent Office to request that the facsimile be disregarded and destroyed. Assignee's representative spoke with an employee at the Electronic Business Center (EBC), who, while able to view the facsimile, indicated that he was unable to remove it from the electronic system prior to processing. When asked for the potential disposition of the document, the EBC employee indicated that the facsimile might be placed in the file wrapper of U.S. Patent No. 5,820,170, since the document included that patent number thereon. The EBC employee suggested that Assignee's representative monitor PAIR to determine if the letter had, in fact, been placed in the file wrapper. If it was, the EBC employee indicated that the document may removable via a petition.

On August 14, 2009, Assignee's representative accessed PAIR and determined that the document and facsimile cover sheet had, in fact, been posted to PAIR and immediately called the U.S. Patent Office Petitions Branch to discuss the appropriate petition for the document's removal. Assignee's representative believes that a petition under 37 C.F.R. § 1.182 is the appropriate vehicle for removal of the document from the file wrapper, as no other regulations appear to apply.

Therefore, Assignee respectfully petitions the Director to remove the documents inadvertently sent to the U.S. Patent Office on August 10, 2009, from the file wrapper of U.S. Patent No. 5,820,170. Additionally, Assignee respectfully requests that this Petition not be made part of the record of U.S. Patent No. 5,820,170.

Petition Under 37 C.F.R. § 1.182 to Remove From the File Wrapper
Documents Unintentionally Sent to Patent Office

Assignee believes that removal of these documents from the file wrapper is appropriate for several reasons. First, the facsimile clearly was not intended for the U.S. Patent Office, as evidenced by both the facsimile cover sheet and the letter itself. Second, the facsimile clearly has no relation whatsoever to the prosecution of the application, is not material to patentability, nor would it have any bearing on any future action related to the patent. Third, the document, a communication with a third party subsequent to issuance of the patent, is sensitive in nature. Assignee respectfully submits that such sensitive information, wholly unrelated to the patentability of the application, should not be made part of the file wrapper.

Therefore, Assignee respectfully requests consideration of this petition and removal of the document dated August 10, 2009, as well as this petition, from the file wrapper. As required under 37 C.F.R. § 1.182, submitted herewith is the petition fee set forth in 37 C.F.R. § 1.17(f). The Director is hereby authorized to charge the amount of \$400.00 to Deposit Account 07-1700 (Docket No. BSI-021) to cover the fee set forth in 37 C.F.R. § 1.17(f). Assignee believes no other fees are required for this filing. Should Assignee's belief be in error, the Director is authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith to Deposit Account No. 07-1700.

The Office is invited to contact the Assignee's undersigned representative with any questions about this submission.

Respectfully submitted,

Date: August 14, 2009
Reg. No. 51,842

Customer No. 051414
Tel. No.: (617) 570-1905
Fax No.: (617) 523-1231

Electronic signature: /Andrew L. Jagenow/
Andrew L. Jagenow
Attorney for Assignee
Goodwin Procter LLP
Exchange Place
Boston, Massachusetts 02109

EXHIBIT A

RECEIVED
CENTRAL FAX CENTER

AUG 10 2009

GOODWIN | PROCTER

Goodwin Procter LLP
Counsellors at Law
Exchange Place
Boston, MA 02109
T: 617.570.1000

F A X T R A N S M I T T A L

If problems with transmittal, call fax department at 617.570.1498.

Date	Total pages	Attorney number	Client/matter number
August 10, 2009	2		

To	Company	Fax number	Telephone
Mr. James Stapleton	Fasco Die Cast Inc.	571-273-8300	

From	Fax number	Telephone
Douglas J. Kline	617.523.1231	617.570.1209

The information contained in this communication is intended only for the personal and confidential use of the designated recipients addressed. This message may be an attorney-client communication from an attorney at the law firm of Goodwin Procter LLP and as such is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us at the telephone number shown above, and return the original message to us by mail. Thank you.

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AUG 10 2009

GOODWIN PROCTER

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Goodwin Procter LLP
Counsellors at Law
Exchange Place
Boston, MA 02109
T: 617.570.1000
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August 10, 2009

VIA FACSIMILE

Mr. James Stapleton
Chief Executive Officer
Fasco Die Cast Inc.
6625 Ordan Drive, Unit #1
Mississauga, Ontario
Canada L5T 1X2

Re: U.S. Patent No. 5,820,170 to Sash Controls, Inc.

Dear Mr. Stapleton:

I am writing regarding my letters dated June 15, 2009 and June 30, 2009. I have not received any response or acknowledgement. Falco has had ample time to consider the patent issues and respond.

Please provide me with your response no later than August 14, 2009. Please understand that Amesbury will take any action it deems necessary to protect its rights.

Very truly yours,

Douglas J. Kline

LIBC/3652492.1

EXHIBIT B

TO:Auto-reply fax to 4156779041 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 4156779041

Fax Information

Date Received: 8/10/2009 3:04:51 PM [Eastern Daylight Time]
Total Pages: 2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
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8/10/2009 3:06:11 PM 4156779041		8/10/2009 3:06:11 PM	
GOODWIN PROCTER			
Goodwin Procter LLP Intellectual Law Exchange Place Boston, MA 02109 T: 617.520.3000			
F A X T R A N S M I T T A L If problems with transmission, call or department at 617.520.3000.			
Date:	Total pages:	Attorney number:	
August 10, 2009	2		
To:	Company:	Fax number:	Telephone:
Mr. James Stapleton	Focus One LLC Inc.	503.420.4896	
From:		Fax number:	Telephone:
Douglas J. Kline		617.520.3131	617.520.3209
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<small>PAGE 1 OF 1</small>			